

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNY MEADOR, #645264,

Petitioner,

v.

CASE NO. 5:12-CV-10460
HONORABLE JOHN CORBETT O'MEARA

LLOYD RAPELJE,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION FOR
NON-PREJUDICIAL DISMISSAL, DISMISSING THE PETITION FOR A WRIT
OF HABEAS CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion for non-prejudicial dismissal of his pending petition for a writ of habeas corpus so that he may return to the state courts to pursue additional challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold the case in abeyance pending the exhaustion of additional claims. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so and comply with the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly,

IT IS ORDERED that Petitioner's motion is **GRANTED** and the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. Additionally, a certificate of appealability is **DENIED** as reasonable jurists would not find the Court's procedural ruling debatable. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is closed. Should Petitioner wish to seek federal habeas relief following the

exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

s/John Corbett O'Meara
United States District Judge

Date: October 24, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 24, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager